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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,685	11/28/2000	Steven G. Reed	014058-008561US	7839
	7590 08/04/200 AND TOWNSEND AN	EXAMINER		
TWO EMBARCADERO CENTER			SWARTZ, RODNEY P	
	EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834		ART UNIT	PAPER NUMBER
			1645	
			MAIL DATE	DELIVERY MODE
			08/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application	ı No.	Applicant(s)	
	09/724,685	5	REED ET AL.	
Office Action Summary	Examiner		Art Unit	
	Rodney P.	Swartz, Ph.D.	1645	
The MAILING DATE of this comm	unication appears on the	cover sheet with the co	orrespondence ad	dress
A SHORTENED STATUTORY PERIOD WHICHEVER IS LONGER, FROM THE  - Extensions of time may be available under the provisic after SIX (6) MONTHS from the mailing date of this co  - If NO period for reply is specified above, the maximum  - Failure to reply within the set or extended period for re Any reply received by the Office later than three month earned patent term adjustment. See 37 CFR 1.704(b)	MAILING DATE OF THI ns of 37 CFR 1.136(a). In no ever munication. statutory period will apply and will ply will, by statute, cause the applic s after the mailing date of this com	S COMMUNICATION  at, however, may a reply be time  expire SIX (6) MONTHS from to  cation to become ABANDONED	L. ely filed the mailing date of this $\alpha$ 0 (35 U.S.C. § 133).	,
Status				
<ol> <li>Responsive to communication(s) for the second secon</li></ol>	2b)⊡ This action is no n for allowance except f	or formal matters, pro		e merits is
Disposition of Claims				
4)  Claim(s) 37-41 and 56-59 is/are p 4a) Of the above claim(s) is 5)  Claim(s) is/are allowed. 6)  Claim(s) 37-41 and 56-59 is/are re 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to rest	/are withdrawn from con	sideration.		
9) ☐ The specification is objected to by	the Examiner			
10) The drawing(s) filed on is/al Applicant may not request that any ob Replacement drawing sheet(s) include  11) The oath or declaration is objected	e: a) accepted or b) [ jection to the drawing(s) be ng the correction is require	e held in abeyance. See d if the drawing(s) is obje	37 CFR 1.85(a). ected to. See 37 CF	
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a clai  a) All b) Some * c) None of:  1. Certified copies of the priori  2. Certified copies of the priori  3. Copies of the certified copies  application from the Interna  * See the attached detailed Office ac	ty documents have been ty documents have been s of the priority documen tional Bureau (PCT Rule	received. received in Application of the traceive traceive 17.2(a)).	on No d in this National	Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	3)	4) Interview Summary ( Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	te	

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## **DETAILED ACTION**

1. Applicants' Response to Office Action, received 28 April 2008, is acknowledged.

2. Claims 37-41 and 56-59 are pending and under consideration.

## **Rejections Maintained**

3. The rejection of claims 38-41 and 56-49 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 6, 9, 24, 27, and 28 of U.S. Patent No. 7,083,796, is maintained.

The Terminal Disclaimer is signed by an attorney who is not of record.

4. The rejection of claims 37-41 and 56-49 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 7,122,196, is maintained.

The Terminal Disclaimer is signed by an attorney who is not of record.

5. The rejection of claims 37-41 and 56-49 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 and 8-13 of U.S. Patent No. 7,261,897, is maintained.

The Terminal Disclaimer is signed by an attorney who is not of record.

6. The provisional rejection of claims 38-41 and 57-59 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 89-94 and 96-103 of copending Application No. 11/418,848, is maintained because it is not the only rejection remaining.

## **Conclusion**

7. All claims are finally rejected.

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8. Any inquiry concerning this communication or earlier communications from the Examiner

should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571)

272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00

AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

Supervisor, Shannon Foley, can be reached on (571)272-0898.

The fax phone number for the organization where this application or proceeding is

assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

August 4, 2008